



# State of New Mexico

## *Office of the Governor*

Bill Richardson  
*Governor*

**EXECUTIVE ORDER NO. 2003-011**

**ESTABLISHING THE DOMESTIC VIOLENCE CONTROL COMMISSION  
TO REVISE AND RECOMMEND LAWS, COURT PROCEDURES, AND  
SOCIAL SERVICES DESIGNED TO PROSECUTE, PUNISH, AND  
PREVENT ACTS OF DOMESTIC VIOLENCE**

**WHEREAS**, an intolerable number New Mexicans and their families are ravaged by domestic violence; and

**WHEREAS**, New Mexico's antiquated domestic violence laws are tragically incapable of curtailing the physical, psychological, and emotional damage that creates succeeding generations of abusers; and

**WHEREAS**, domestic violence strains our economy, health care systems, and educational institutions of precious resources and funding; and

**WHEREAS**, the rules and procedures of New Mexico's criminal justice system may unintentionally contribute to the intolerable dismissal rate of domestic violence cases in our courts; and

**WHEREAS**, alcohol and drug abuse are precursors to the overwhelming majority of acts of domestic violence; and

**WHEREAS**, New Mexico law does not consider acts of domestic violence committed in the presence of a children, child abuse; and

**WHEREAS**, despite the best efforts of our police, prosecutors, jails, and courts to prosecute, punish, and prevent these tragedies, the citizens of New Mexico are losing confidence in legal system

**NOW THEREFORE**, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in this office by the Constitution, Laws, and citizens of New Mexico, hereby create "The Domestic Violence Control Commission", (hereinafter "The Commission")

The Commission shall review, consider, and make recommendations regarding the following aspects of the criminal justice system, including but not limited to:

- i. Police resources, training and arrest policies in domestic violence enforcement.
- ii. Court procedures for setting and posting of release bonds, specifically regarding mandatory minimum detention periods, use of electronic monitoring and other technologies, and restrictions before a victim is permitted to post a bond for an offender.

- iii. Consider development or modification of software capable of providing court dates and subpoenas at the domestic violence crime scene.
- iv. Creation of offender residences during the pendency of the charges that provide for counseling and substance abuse treatment while allowing them to attend employment and possible supervised visits with children.
- v. Review current "6 month rules" and the rule that commonly prevents a prosecutor from asking a victim about previous statements to police when encountering inconsistent court testimony and request appropriate changes from the New Mexico Supreme Court.
- vi. Consider enactment of laws that make domestic violence committed in the presence of children child abuse.
- vii. Explore the development and funding of civilian domestic violence counselors who work along with police in the field.
- viii. Evaluate and make recommendations for the adequate availability of substance abuse treatment and counseling for offenders along with means to extend these alternatives by court order.
- ix. Update and redefine domestic violence crimes in the state of New Mexico with definitions and sentencing options contoured to the unique and tragic aspects of these crimes.
- x. Any other matter, recommendation, or initiative, in the discretion of the Commission that will diminish the dangers of domestic violence to all New Mexicans.

The Commission shall be chaired by the First Lady, Barbara Richardson, with the advice and counsel of Bob Schwartz, Senior Advisor to the Governor for Criminal Justice Policy. Furthermore, the Commission shall be composed of twelve additional members experienced in issues of domestic violence, law enforcement, criminal justice, victim advocacy, treatment modalities, child abuse, the judiciary, health care, and survivors of domestic violence.

**THIS ORDER** supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

ATTEST:

DONE AT THE EXECUTIVE OFFICE  
THIS 23<sup>rd</sup> DAY OF APRIL, 2003

*Rebecca Vigil-Giron*  
REBECCA VIGIL-GIRON  
SECRETARY OF STATE

WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW MEXICO

*Bill Richardson*  
BILL RICHARDSON  
GOVERNOR

